

MINUTES OF A REGULAR MEETING OF THE BOARD OF EXAMINERS OF CONTRACTORS OF THE CITY OF FORT PIERCE, FLORIDA, HELD IN THE CITY COMMISSION CHAMBERS, 100 NORTH U.S. #1, FORT PIERCE, FLORIDA, AT 9:00 A.M. ON TUESDAY, MAY 9, 2017.

1. CALL TO ORDER

Chairman Langel called the meeting to order at 9:00 A.M.

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL

Roll call was taken. Mr. Grimsley had called in that he would be unable to attend the meeting.

Present: Holly Theuns; Ralph Fogg; Paul Thomas; James Matula; John Langel; Kenneth Waters; Reed Sudderth; Robert Scott Bruhn

Absent: ; Marvin Grimsley

4. CONSIDERATION OF ABSENCE(S)

Motion was made by Kenneth Waters, seconded by Reed Sudderth to excuse the absence of Mr. Grimsley.

AYE: Holly Theuns, Paul Thomas, , James Matula, John Langel, Kenneth Waters, Ralph Fogg, Reed Sudderth, Robert Scott Bruhn

Passed

5. APPROVAL OF MINUTES

Approval of January 10, 2017 meeting minutes

Motion was made by Reed Sudderth, seconded by Robert Scott Bruhn to approve the January 10, 2017 meeting minutes.

AYE: Holly Theuns, Paul Thomas, , James Matula, John Langel, Kenneth Waters, Ralph Fogg, Reed Sudderth, Robert Scott Bruhn

Passed

6. APPLICATIONS TO BE CONSIDERED FOR A CERTIFICATE OF COMPETENCY

a. Request from Ray Hardisky to add "Decorative Metal Contractor" as a Specialty Contractor.

Mr. Hardisky has requested that Decorative Metal Contractor be added to the forty-two (42) specialty contractor licenses recognized by the City, which would allow this designation to fabricate and install guards and handrails for both residential and commercial properties.

Mr. Hardisky indicated that his metal products are fabricated to an engineer's specifications for pressure and wind load, and that although he is hired by general contractors, they usually ask him to do the installation. Mr. Hardisky reported that he is licensed to install in Martin County and has been doing so for 30 years. It was noted that the City of Fort Pierce does not provide

exam testing, however reciprocates licenses with jurisdictions that do provide testing.

After much discussion, Mr. Waters moved to allow the specialty license to install if the product is created to an engineer's specifications, and if the installation is followed with an inspection. Mr. Sudderth seconded.

Mr. Bruhn respectfully requested more discussion on the topic, and disagreed out of concern for public safety that this proposed specialty should be authorized to install guards and handrails. He felt that the specialty should also hold a general contractor's license, or work under the direct supervision of a general contractor.

Mr. Waters withdrew his motion. There was general discussion of metal materials and how guards and handrails are built to an engineer's specifications, and how guards are addressed in the Florida Building Code but handrails are not.

Motion was made by Kenneth Waters, seconded by Ralph Fogg to not recommend the designation of Decorate Metal Contractor be added to the list of specialty contractors recognized by the City.

AYE: , James Matula, John Langel, Kenneth Waters, Ralph Fogg, Reed Sudderth, Robert Scott Bruhn

NAY: Holly Theuns, Paul Thomas

Passed

7. CONTRACTOR COMPLAINTS

a.

Contractor/Qualifier	Dbas	Competency Card #	State License #
Terrence John Mager	Mager Construction, Inc.	1700018340	CBC059059

The hearing began with Mr. Feliciano addressing the Board and explaining the background and exhibits provided to the Board. He indicated that he conducted business with Mr. Mager using texts and photos due to the fact that he lives in Coral Gables. Mr. Feliciano upon visiting the project after a complaint was filed, found that the work was incomplete or completed without permits. He then put a stop on a payment of \$2,800.00. He stated that over a period of eleven (11) months, he had paid Mr. Mager \$32,920.00 for repairs that were not or only partially completed.

Mr. Mager addressed the Board and reported that he experienced one difficulty after another while working on the project, and that the project was over budget. He indicated that he had almost \$5,795.00 of his own money invested in the repairs.

Staff noted that there was substantial work done without proper permits, and the valuations were not correct at time of permit. There were seven (7) separate charges which the Board decided to vote on separately using a roll call for each charge. The charges were as follows, numbered as listed on the City's Alleged Charges form:

- (2) Committing fraud or deceit in the practice of contracting;
- (3) Committing incompetency or misconduct in the practice of contracting;
- (7) Substantial departure from, or disregard, of plans or specifications without consent of the owner or his duly authorized representative;
- (8) Knowingly or deliberately disregarding or violating any applicable building codes or laws of the state, county or city;
- (9) Willfully and deliberately engaging in a type or class of contracting for which the contractor

is not licensed or registered;

(12) Contracting with persons or firms not having a certificate of competency issued by the city for work or services to be performed within the city when said persons or firms are required by this chapter to possess such a certificate of competency in order to perform the contracted work or services;

(13) Proceeding on any job without obtaining the applicable building department permits and inspections.

Mr. Mager was found guilty on all but one charge, which was (9) Willfully and deliberately engaging in a type or class of contracting for which the contractor is not licensed or registered.

Motion was made by Kenneth Waters, seconded by Ralph Fogg to find Mr. Mager in violation of charges numbered 2, 3, 7, 8, 12, and 13, and to require disciplinary action be taken in the form of a warning letter to be placed in his file with the City of Fort Pierce, but not to be sent to the State. Any further charges in the future would determine whether a letter to the State would be sent at that time.

AYE: Kenneth Waters, Ralph Fogg, Robert Scott Bruhn

NAY: Holly Theuns, Paul Thomas, James Matula, John Langel, Reed Sudderth

Failed

Motion was made by Reed Sudderth, seconded by Holly Theuns to find Mr. Mager in violation of charges numbered 2, 3, 7, 8, 12, and 13, and to require disciplinary action be taken in the form of a warning letter to be placed in his file with the City of Fort Pierce, with a copy of the written reprimand to be forwarded to the State.

AYE: Holly Theuns, Paul Thomas, James Matula, John Langel, Reed Sudderth

NAY: Kenneth Waters, Ralph Fogg, Robert Scott Bruhn

Passed

8. PUBLIC COMMENTS

There was no public comment.

9. STAFF COMMENTS

There were no staff comments.

10. BOARD COMMENTS

There were no Board comments.

11. ADJOURNMENT

There being no further discussion, Chairman Langel adjourned the meeting at 10:40 A.M.